

Mayor Ashley called the meeting to order and asked the Clerk to call the roll:

PRESENT: Mayor Ashley, Councillors Davis,
Mitchell, Price, Skamperle and Stevenson

ABSENT: Councillor Morley

Mayor Ashley said Councillor Morley asked to be excused because he is out of town. There was a consensus of Council to excuse Councillor Morley.

PRESENTATION

1. Mayor Ashley thanked the following City employees for their years of service and presented NYCOM certificates to those in attendance. (Copies of the certificates follow these minutes.)

Robert Grady – Police Department (30 years)

Jackie Amo – DPW (25 years)

David Hollis – DPW (30 years)

George Kennedy – DPW (30 years)

PROCLAMATION

1. Mayor Ashley read a proclamation recognizing September 17-23 as National Constitution Week. (A copy of the proclamation follows these minutes.) Sally Hartman and the Daughters of the American Revolution (DAR) joined Mayor Ashley and Council members while the proclamation was being read.

PUBLIC HEARING

1. A public hearing regarding an ordinance to amend Chapter 209, entitled “Vehicles and Traffic”; Section 209-40, Schedule III., entitled “School Speed Limits” of the Code of the City of Ogdensburg was held. No one being present to speak, the hearing was declared closed.

2. A public hearing regarding a proposed Adaptive Reuse Permit Application for 315 Gates Street was held. Director of Planning and Development Andrea Smith explained the ARD application process. Ms. Smith said the application has been reviewed by the Planning Board and the Zoning Board as required, and both have recommended approval with conditions. No one being present to speak, the hearing was declared closed.

3. A public hearing to seek comment on the City’s application to New York State Homes & Community Renewal for up to the maximum of \$500,000 under the 2016 Community Development Block Grant Program was held. Ms. Smith explained this grant would fund projects for single-family, owner-occupied residential properties in the Ford Avenue area as an extension of the New York Avenue CDBG program.

Natalie Hooper, 401 Ford Avenue, urged Council to approve the grant application. Ms. Hooper explained her home needs a new heating system, but she did not qualify under the New York Avenue grant program because of the location. No one else being present to speak, the hearing was declared closed.

PERSONAL APPEARANCE

1. Martha Shaver addressed Council regarding landlords. Ms. Shaver explained she is concerned about a tenant on Mill Street who currently has no water and only partial electricity. Mayor Ashley asked City Manager Sarah Purdy to investigate the matter and report back to Council. Ms. Purdy said she understood the tenant and landlord have worked out an agreement, but she will confirm and update Council.

CONSENT AGENDA

Mayor Ashley moved that the claims as enumerated in General Fund Warrant #15-2016 in the amount of \$1,290,368.94 and Library Fund Warrant #15-2016 in the amount of \$53,584.37 and Capital Fund Warrant #15-2016 in the amount of \$43,878.38 and Community Development Fund Warrant #15-2016 in the amount of \$376.32 and Community Renewal Fund Warrant #15-2016 in the amount of \$32,081.30 as audited, be and the same are ordered paid and Councillor Skamperle seconded the motion.

The vote was:

CARRIED, AYES ALL

ITEMS FOR COUNCIL ACTION

1. Councillor Skamperle moved an ordinance to amend Chapter 209, entitled "Vehicles and Traffic"; Section 209-40, Schedule III., entitled "School Speed Limits" of the Code of the City of Ogdensburg, and Councillor Price seconded to wit:

ORDINANCE #17 OF 2016

AN ORDINANCE AMENDING CHAPTER 209 ENTITLED
"VEHICLES AND TRAFFIC"
OF THE CODE OF THE CITY OF OGDENSBURG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
OGDENSBURG, NEW YORK, AS FOLLOWS:

ITEM ONE: That Section 209-40, Schedule III., entitled “School Speed Limits” is amended by deleting the following:

<u>Name of Street</u>	<u>Speed limit (mph)</u>	<u>Location</u>
Jefferson Avenue	20	Adjacent to Grant Madill School between Grove Street and Pine Street

ITEM TWO: That Section 209-40, Schedule III., entitled “School Speed Limits” is amended by adding the following:

<u>Name of Street</u>	<u>Speed limit (mph)</u>	<u>Location</u>
Jefferson Avenue	20	Adjacent to Grant Madill School between a point 300 feet north of the northern curb line of Grove Street and a point 300 feet south of the southern curb line of Pine Street.

ITEM THREE: This ordinance shall take effect ten (10) days after publication of notice which shall give the title and describe same in summary form.

The vote was:

CARRIED, AYES ALL

2. Councillor Price moved a resolution introducing an ordinance and providing for public notice and public hearing with regard to the sale of City-owned property located at 729-737 State Street, and Councillor Skamperle seconded to wit:

RESOLUTION OF CITY COUNCIL INTRODUCING AN ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE
AND PUBLIC HEARING

BE IT RESOLVED, that Ordinance entitled "An Ordinance to Offer for Sale at Public Auction City-Owned Property " be and it hereby is introduced before the City Council of the City of Ogdensburg, New York, and

BE IT FURTHER RESOLVED, that the City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held at the Council Chambers in the City of Ogdensburg, New York, on the 26th day of September, 2016, at 7:00 p.m., and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication in the official newspaper at least seven (7) days before the hearing date of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote was:

CARRIED, AYES ALL

3. Councillor Mitchell moved a resolution to call for public notice and public hearing to amend Chapter 221 entitled 'Zoning' (Claxton Hepburn Medical Center, owner of parcel #59.022-10-5.2, being bounded by Mansion Avenue, Spring Street, and Albany Avenue, has requested the property be rezoned from Adaptive Reuse District (ARD) to Moderate Density Residential (MDR) under the provisions of Article XVII), and Councillor Stevenson seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
AN AMENDMENT TO THE ZONING ORDINANCE
AND PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the ordinance entitled “Ordinance Amending Chapter 221 Entitled ‘Zoning’ of the City of Ogdensburg Municipal Code” be and it hereby is introduced before the City Council of the City of Ogdensburg, New York; and

WHEREAS, the Ogdensburg City Council shall hold a public hearing in the matter of the adoption of the aforesaid ordinance to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 26th day of September, 2016, at 7:00 p.m.; and

BE IT RESOLVED that the City Clerk give notice of such public hearing by publication, in the official newspaper, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Director of Planning and Development Andrea Smith said Claxton Hepburn Medical Center owns 503 Mansion Avenue and has requested the zoning change. Ms. Smith explained the parcel has been incorrectly identified as property class 620, and the property class should have been changed when the hospital purchased the parcel. Ms. Smith said the incorrect property class code combined this parcel with the group of parcels changed from MDR to ARD in July 2015.

The vote was:

CARRIED, AYES ALL

4. Councillor Stevenson moved a resolution to apply to New York State Homes & Community Renewal for \$400,000 under the 2016 Community Development Block Grant Program, and Councillor Skamperle seconded to wit:

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A 2016
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION**

WHEREAS, the City of Ogdensburg values an improved housing stock;
and

WHEREAS, the Ogdensburg City Council adopted the City's Abbreviated Consolidated Plan, which among other things sets Housing Rehabilitation as one of the City's primary housing priorities; and,

WHEREAS, New York State Homes & Community Renewal is accepting applications for the 2016 Community Development Block Grant Program; and

WHEREAS, the purpose of the Community Development Block Grant Program is to provide support for low and moderate-income residents to perform housing rehabilitation to eliminate unsafe and unhealthy conditions;

WHEREAS, the City Council held a public hearing on said application at City Hall, 330 Ford Street, Ogdensburg, New York today September 12, 2016. All those desired to be heard were heard and their testimony duly recorded at this hearing; and

NOW, THEREFORE BE IT RESOLVED, by the Ogdensburg City Council hereby authorizes the filing of a 2016 Community Development Block Grant Application to secure \$400,000 in funding to undertake rehabilitation of 10-12 single-family, owner occupied homes of income eligible City residents within the Ford Avenue target area, an expansion of the 2014 New York Avenue CDBG program; and

BE IT FURTHER RESOLVED, that the City Manager, is hereby authorized to submit the application, and *if* awarded, to administer the program, including executing all necessary documents relating to the application or administration of the program.

Councillor Skamperle said the public hearing referenced a maximum of \$500,000 and asked for confirmation of the application amount. Ms. Smith said the City will apply for \$400,000 because all projects must be completed within the time period. Ms. Smith explained no extensions will be given and completing the projects for just \$400,000 will be a stretch. Ms. Smith said the local contractors who participate in the program are great, but there are not enough contractors willing to participate.

The vote was:

CARRIED, AYES ALL

5. Councillor Skamperle moved a resolution to approve with conditions the request for an Adaptive Reuse Permit Application for 315 Gates Street, OMC §221-28, and Councillor Price seconded to wit:

A RESOLUTION FOR APPROVAL WITH CONDITIONS OF AN ADAPTIVE
REUSE DISTRICT PERMIT APPLICATION FOR 315 GATES STREET
IN THE CITY OF OGDENSBURG

WHEREAS, the Ogdensburg Planning and Development Office accepted a completed Adaptive Reuse District (ARD) Permit Application on July 11, 2016 which was presented to the Ogdensburg Zoning Board of Appeals (ZBA) on July 26, 2016; and

WHEREAS, the Ogdensburg Planning and Development Board reviewed the request on August 2, 2016 in accordance with OMC §221-24B and recommended approval with conditions; and

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WHEREAS, the Ogdensburg Zoning Board of Appeals duly advertised in the Ogdensburg Journal and sent written notice to all persons listed in the petition as owning property within 400 feet of the premises in question and held a public hearing on said application at City Hall, 330 Ford Street, Ogdensburg, New York the 9th day of August, 2016 in accordance with OMC §221-25. All those desired to be heard were heard and their testimony duly recorded at said hearing; and

WHEREAS, the Zoning Board of Appeals recommends to the Ogdensburg City Council *final approval* with *conditions* of the applicant's request for an adaptive reuse district permit to convert the former 17,500 SF elementary school into 4,000 SF of professional offices with 13,500 SF of educational facility to remain, at 315 Gates Street.

Conditions of approval are as follows:

1. Applicant revise site development plan and ARD permit application to include:
 - a. Sidewalks along Albany Ave in accordance with the standards prescribed by OMC Chapter 189.
 - i. Applicant shall be given 12 months from the time of the issuance of a building permit to complete the sidewalk installation.
2. Installation of screening within the existing parking area chain link fence as per the recommendation of the Planning Board

NOW, THEREFORE BE IT RESOLVED that the Ogdensburg City Council after holding a public hearing today, the 12th day of September, 2016 where all those desiring to be heard were heard and their testimony duly recorded by the City Clerk hereby authorize the approval with conditions of the request for an Adaptive Reuse Permit for 315 Gates Street in accordance with the findings of the Ogdensburg Zoning Board of Appeals.

BE IT FURTHER RESOLVED, that the City Clerk is authorized to report this decision to the City's Zoning Board of Appeals and Planning Board within ten (10) days of this meeting date.

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Councillor Skamperle asked if Council should be aware of any significant public comments from the previously held public hearings. Ms. Smith said she provided Council with copies of the minutes from those public hearings, and the greatest concern was the sidewalks. Ms. Smith explained Mr. Berg spoke in support of sidewalks being installed, noting those who use the playground typically walk in the street. Councillor Skamperle asked if the screening requirement is a result of public concern. Ms. Smith said although Mr. Berg did mention this issue, the screening is actually a site plan requirement. Ms. Smith explained there is no mandate as to the type of screening to be installed. Councillor Skamperle said he is concerned screening the parking lot may create a safety issue with the police department being unable to simply drive by and scan the area.

Ms. Smith cautioned that if Council removed the screening requirement and the property was sold in the future, the new owner would not need Council's approval to continue the same type of use. Ms. Smith said screening may be desirable for a future owner's use, but Council would have no way to impose that requirement if not included in this application. Councillor Skamperle asked if Council can limit the hours of operation, and Ms. Smith said no. Councillor Price asked for the height of the current fence, and Ms. Smith said it is 4 foot. Mayor Ashley asked if the parking lot will still contain two exits. Ms. Smith explained the applicant intends to label one for ingress and the other for egress, but this is not a condition of approval. Ms. Smith said the applicant included this change in an attempt to create a safer flow of traffic.

Mari Cecil, an architect from Bernier Carr & Associates, said the applicant plans to make every effort to keep the existing trees in place. Ms. Cecil explained Father Joe is not in favor of the screening either, but there is a 75% opaque slat fence which allows visual access but still blocks lighting. Councillor Skamperle asked Father Joe if that type of screening would satisfy his safety concern, and Father Joe said no. Councillor Skamperle asked if a new application would need to be approved for a future owner to increase the square footage of the office space. Ms. Smith said yes, because a larger office space would require increased parking requirements.

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Ms. Smith urged Council to not make concessions on this very first ARD application because it could make future applications very difficult. Ms. Smith explained if Council makes any changes, a majority vote of five Council members will be required. Councillor Price asked if there were any concerns raised about headlights from vehicles in the parking lot. Ms. Smith said it was only a secondary issue at the public hearings. Councillor Mitchell asked how many vehicles are anticipated in the parking lot daily. Ms. Cecil said 5 to 7 cars are anticipated daily, except on Sunday. Father Joe said the use of the property on Sunday will not change. Councillor Price asked if the police department can drive through the parking lot at any time. Ms. Cecil said yes, because there are no plans to install any gates. Mayor Ashley asked if the fence could be removed. Ms. Cecil said they intended to use the existing guardrail and fence instead of disrupting the asphalt to create a planting strip. Ms. Cecil explained she can research other screening options. Father Joe noted the school received no complaints regarding headlights while in operation for sixty years.

Councillor Stevenson asked if the screening requirement could be restored during site plan review if removed by Council now. Ms. Smith said yes. Ms. Smith explained Council simply approves the permit application. Councillor Skamperle made a motion to remove the screening requirement, and Mayor Ashley seconded. Councillor Price said he does not agree Council should remove the screening requirement, and Councillor Mitchell agreed. Councillor Stevenson said the City has trained board members for a reason, and if Council removes the requirement it will simply be added back in at site plan review. Councillor Stevenson said she doesn't agree with the screening requirement but believes Council cannot dictate on the issue. Mayor Ashley withdrew his second on the motion, and Councillor Skamperle withdrew his motion.

The vote was:

CARRIED, AYES ALL

6. Councillor Price moved a resolution to amend the January 15, 2010 approved “Housing Needs Assessment, Affordable Housing Action Plan, and Program Income Spending Plan”, and Councillor Skamperle seconded to wit:

**RESOLUTION TO AMEND THE CITY’S HOUSING NEEDS ASSESSMENT,
AFFORDABLE HOUSING ACTION PLAN, & PROGRAM INCOME
SPENDING PLAN**

WHEREAS, on January 15, 2010 the City Council unanimously approved the adoption of the City’s Housing Needs Assessment, Affordable Housing Action Plan, & Program Income Spending Plan; and

WHEREAS, in accordance with this plan and in compliance with CDBG guidelines, the City shall address housing needs under the regulation of 24 CFR570.489(e) (3); and

WHEREAS, the Housing Needs Assessment, Affordable Housing Action Plan, & Program Income Spending Plan establishes an agreement with NYS for how the City will spend accumulated housing program income for specific program activities associated with improving housing for low and moderate income residents; and

WHEREAS, the Planning Department recommends amending the plan as follows to better address the permitted use of program income for the removal of slums and blight:

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- Page 27: REMOVE “Landlord contribution Loan Pool” and “Homeownership Loans” as programs for investment of program income as these programs are no longer valid;
- Add: Elimination of Slums and Blight – On a city-wide basis, funding can be awarded to aid in the prevention or elimination of slums or blight. A revolving loan fund can loan up to \$24,999 be used to achieve the following nation objectives (1) Slum Blight Area Basis (SBA), (2) Slum Blight Spot Basis (SBS), and/or (3) Urgent Need (URG). Terms are up to five (5) years and the interest rate is variable from 0% to 7% on a sliding scale based on borrower income.
- Page 28: REMOVE section titled “Program Income Plan – Economic Development”
 - This section refers to funding that is only applicable to the Ogdensburg Growth Fund and not the City of Ogdensburg.

NOW, THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council hereby adopts and approves the revisions to the Housing Needs Assessment, Affordable Housing Action Plan, & Program Income Spending Plan; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to file the revised plan with the City Clerk and the Department of Planning and Development.

The vote was:

CARRIED, AYES ALL

7. Councillor Stevenson moved a resolution calling for public notice and public hearing on the City’s proposed RESTORE NY 4 grant application and Property Assessment List for strategic demolition within the City’s designated Brownfield Opportunity Area, and Councillor Skamperle seconded to wit:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
A RESTORE NY 4 GRANT APPLICATION & PROPERTY ASSESSMENT
LIST & PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the City of Ogdensburg desires to submit an application to Empire State Development Corporation (ESD) for RESOTRE NY 4 funding; and

WHEREAS, in accordance with grant submission guidelines the City shall hold a public hearing to discuss the proposed application and the required Property Assessment List; and

WHEREAS, the Property Assessment List shall be published in the official City newspaper for three (3) consecutive days prior to this public hearing in accordance with grant guidelines.

THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council shall hold a public hearing on the proposed grant application and Property Assessment List to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 26th day of September, 2016, at 7:00 p.m.; and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication, in the official newspaper, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

Director of Planning and Development Andrea Smith said she just noticed a typographical error in the resolution that should be corrected. Ms. Smith explained the grant requires publication of the Property Assessment List in a daily newspaper, not our official newspaper. Ms. Smith said she has already made arrangements for daily publication with the Watertown Daily Times if this resolution is approved by Council. City Manager Sarah Purdy also suggested a correction to a misspelling in the first paragraph.

Councillor Skamperle made a motion to amend the resolution to remove “official newspaper” and replace with “daily newspaper” with respect to the publication of the Property Assessment List and also to correct the misspelling of the word “restore” in the first paragraph. Councillor Stevenson seconded the motion.

The vote to amend the resolution was:

CARRIED, AYES ALL

The amended resolution now reads:

RESOLUTION OF THE CITY COUNCIL INTRODUCING
A RESTORE NY 4 GRANT APPLICATION & PROPERTY ASSESSMENT
LIST & PROVIDING FOR PUBLIC NOTICE AND PUBLIC HEARING

WHEREAS, the City of Ogdensburg desires to submit an application to Empire State Development Corporation (ESD) for RESTORE NY 4 funding; and

WHEREAS, in accordance with grant submission guidelines the City shall hold a public hearing to discuss the proposed application and the required Property Assessment List; and

WHEREAS, the Property Assessment List shall be published in a daily newspaper for three (3) consecutive days prior to this public hearing in accordance with grant guidelines.

THEREFORE, BE IT RESOLVED, that the Ogdensburg City Council shall hold a public hearing on the proposed grant application and Property Assessment List to be held in the City Council Chambers, City Hall, 330 Ford Street, Ogdensburg, New York, on Monday the 26th day of September, 2016, at 7:00 p.m.; and

BE IT FURTHER RESOLVED that the City Clerk give notice of such public hearing by publication, in the official newspaper, at least seven days before the hearing date, of a notice setting forth the time and place and describing the proposed ordinance in summary form.

The vote on the amended resolution was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Skamperle asked for an update on the tree in the Greenbelt area. Councillor Skamperle explained the City had planned to remove a large tree from the Greenbelt area that could potentially be carved into a beautiful piece of artwork on the waterfront. City Manager Sarah Purdy said the application process has been created, the Recreation Commission has agreed to monitor the entire project, and Recreation Director Matthew Curatolo is seeking grant funding. Ms. Purdy explained we will have City Attorney Andy Silver review everything once all the details are in order. Councillor Skamperle said the intent is to put the offer out to all local artists so everyone has a fair opportunity to participate.

Mayor Ashley said there was a need for Executive Session, and Councillor Skamperle seconded the motion. City Manager Sarah Purdy explained Executive Session is required to discuss a matter which will imperil the public safety if disclosed.

Upon returning from Executive Session, all members of Council were still present.

Mayor Ashley moved a resolution authorizing the City Manager to enter into an agreement between the City of Ogdensburg and the Ogdensburg Bridge and Port Authority to implement contract police services for the Ogdensburg International Airport through the Police Department, and Councillor Skamperle seconded to wit:

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT BETWEEN
THE CITY OF OGDENSBURG AND THE
OGDENSBURG BRIDGE AND PORT AUTHORITY

WHEREAS, the Ogdensburg Bridge and Port Authority and the United States Transportation Security Administration are about to execute a security services agreement relative to contract police services at the Ogdensburg International Airport, and

WHEREAS, said agencies have proposed that the OBPA subcontract such services to the Ogdensburg Police Department with reimbursement for these services accruing to the City of Ogdensburg,

NOW, THEREFORE, BE IT RESOLVED, the City Manager is hereby authorized to execute an agreement between the City of Ogdensburg and the Ogdensburg Bridge and Port Authority to implement contract police services for the Ogdensburg International Airport, incorporating the terms of the agreement between the Ogdensburg Bridge and Port Authority and the United State Transportation Security Administration, pending approval of the City Attorney.

The vote was:

CARRIED, AYES ALL

On a motion duly made and seconded, the meeting was adjourned.